

REMARKS

This is intended to be a full and complete response to the Final Office Action dated April 21, 2004. Claims 1-25 were presented in the prior Response dated February 12, 2004. Claims 1-18 stand rejected on the basis of double patenting under the judicially created doctrine of obviousness, and sections 102(e) and 103(a). Claims 19-25 stand presently withdrawn pursuant to the Examiner's statements. For the record, dependent claims 19-25 represent the resolution of the "batch or parallel" phrasing that was rejected in the prior Office Action. Some of the original claims were amended to include "batch" and new dependent claims 19-25 were presented to include "parallel." For the sake of expediency, the Applicant has denoted claims 19-25 as withdrawn based on the Examiner's statements that the claims will be reconsidered if a generic claim is allowed.

The Applicant has addressed the rejections herein and the Examiner is respectfully requested to reconsider the claims. The Examiner also is requested to contact the undersigned if there are any remaining issues that the Examiner believes could be resolved in an interview that would result in an allowance.

Claims 1-18 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of U.S. Pat. 6,598,631 and 6,615,880 (assigned to the present Assignee) in view of *Seo*. The Examiner states that *Seo* discloses a customization controller 5, where the cited patents could include such a controller.

The Applicant respectfully traverses the rejection. *Seo* discloses selecting standardized, formulated products for filling the cup. *Seo* does not teach, show, or suggest any consumer selection of *particular components* of the ultimate product, as explained further under the section

102 discussion below. There is no motivation to combine *Seo* with either of the two referenced patents to obtain the present invention. The combination of either of the cited patents with *Seo* would not teach, show, or suggest the claimed subject matter. The Examiner is respectfully requested to withdraw the obviousness-type double patenting rejection.

However, if the Examiner maintains the rejection, the Applicant is willing to file a terminal disclaimer to effect an allowance.

Claims 1, 2, 3, 6, 8, 14, and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Seo*. The Examiner states that *Seo* discloses preparing said consumer products according to a selection of product characteristics made by a consumer, optionally reconstituting with one or more other components, and dispensing from a vending system at the point-of-sale.

The Applicant respectfully traverses this rejection. It is respectfully submitted that there is some confusion in the Office Actions between "components," which the Examiner states are "ingredients," and the "product" prepared from components or "ingredients." Simply stated, *Seo* discloses and only discloses selecting the product itself by a user. The *machine* disclosed in *Seo* then does the rest.

Column 3, lines 57-62 and Figure 7 are illustrative: "The product selecting unit 410 disposed with a plurality of buttons corresponding to respective products in the automatic vending machine serves to input a product selection signal to the controller 420 when the buttons are manipulated." The consumer selects the products. The machine then mixes raw materials based on a preformulation of the product selected by the consumer. In contrast, the present invention allows a consumer to select the *components* of the products, so that the formulation can vary to produce characteristics desired by the consumer.

The Examiner can search in vain in *Seo* for any mention or even a hint of a consumer selection of particular *components* of the product. *Seo* is clear and the present invention is clear on the differences. *Seo* offers a selection of preestablished final *products*. In stark contrast, the present invention allows the consumer to chose the particular *components* of the products. The Examiner is requested to withdraw the rejection.

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Seo* in view of *Partyka*. The Examiner states that *Seo* answers the limitations of independent claims 1 and 6, discussed above, but acknowledges that there is no teaching of remote controlling or simultaneous ordering. The Examiner relies on *Partyka* to disclose using a remote controller to direct communications to plural vending machines, and able to effect simultaneous processing of plural orders. The Examiner states it would be obvious to modify *Seo* to include the remote controller, so that simultaneous operations can increase throughput.

The Applicant respectfully traverses the rejection. *Seo* has been distinguished above. *Partyka* teaches a monitoring system, not an operating or controlling system. It does teach monitoring; it does not teach simultaneous processing of the selected products. *Partyka* recognizes a problem in the accuracy of data from vending machines caused by monitoring when the vend motor is energized. (Col. 1, line 44-col. 2, line 4.) *Partyka* solves this problem by monitoring when a coin is inserted or charge is indicated and then monitoring for a period the motor/sold out signals to detect which bin corresponds to the motor vending the product for more accurate results. (Col. 6, lines 16-47.) It uses this information to establish a more accurate service/repair schedule. (Col. 2, lines 5-16.)

Further, *Partyka* does not teach, show, or suggest a system "adapted to operate," as required by the claims 8-10 noted by the Examiner. Such operations generally include recognized functions, such as activating, customizing, mixing, filling, or other operations, as explicitly stated or implicitly inferred in the present description of the invention.

The combination of *Seo* with *Partyka* would yield a vending machine of preprogrammed products with a more accurate service/repair schedule, and not the claimed invention. The Examiner is requested to withdraw the rejection.

Claims 6, 7, 8, 11, 12, and 13-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Seo* in view of *Whigham*. The Examiner states that *Seo* is silent as to plural interfaces being used to selectively operate one or more plural systems. The Examiner relies on *Whigham* to disclose plural interfaces that can operate in response to signals from any cell phone ("plural interfaces" per the Examiner). The Examiner states it would be obvious to modify *Seo* to include the plural interface feature of *Whigham* with the motivation being to allow the user access to one of many vending machines.

The Applicant respectfully traverses the rejection. *Seo* has been distinguished above. *Whigham* using a cell phone to order a product from a particular vending machine. It does not teach ordering *components* of products.

Further, *Whigham* teaches one consumer ordering from one vending machine at a time. *Whigham* does not teach, show, or suggest "simultaneous multiple customization," as required by dependent claims 7, 9, 12, and 15.

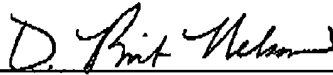
Thus, the combination of *Seo* with *Whigham* is deficient and does not teach, show, or suggest the present invention. The Examiner is requested to withdraw the rejection.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show or suggest the present invention. Therefore, it is believed that the rejections made by the Examiner have been obviated, and Applicant respectfully requests that the same be withdrawn. Allowance of the claims is therefore requested.

Respectfully submitted,

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